

Aspen Institute Workshop

(July 24-28, 1978)

THE ETHICS OF PUBLIC SECRECY

Agenda

MONDAY JULY 24

Chairman: Graham Allison

9-10:45 A.M. The presumption of openness and the presumption of secrecy

Olin Robison
Harlan Cleveland

11:15 A.M.- The emerging doctrines of public secrecy
1 P.M.

William Miller
Ray Kline

TUESDAY JULY 25

Chairman: Amos A. Jordan

9-10:45 A.M. The justifications for secrecy: Diplomacy

Charles W. Yost
Louis Henkin

11:15 A.M.- The justifications for secrecy: Intelligence
1 P.M.

Stansfield Turner (10 min)
Paul Doty (Al Carnesale): Pobs Issues, means for dealing w/
Amos Jordan: Present structure/org relationships in K.
10-15 min present structure/org relationships in K.
10 min discussion intro

WEDNESDAY JULY 26

Chairman: Charles W. Yost

9-10:45 A.M. The justifications for secrecy: Military

Paul Doty (Al Carnesale): New weapons systems
Amos Jordan: Military strategy

11:15 A.M.- The justifications for secrecy: Administrative
1 P.M.

Graham Allison

THURSDAY JULY 27

Chairman: Robert McKay

9 A.M.-1 P.M. The administration and enforcement of public secrecy

Douglass Cater

Glen O. Robinson

Evening: Panel: Ethics of Government Secrecy.

FRIDAY JULY 28

Chairman: Harlan Cleveland

9 A.M.-1 P.M. Where do we go from here?

July 10, 1978

Summer Workshop

on

SECRECY, NATIONAL SECURITY, AND GOVERNANCE IN AN OPEN SOCIETY

The central focus of the workshop is summed up in the letter of invitation:

The need for discussion in depth of the ethics of public secrecy is obvious enough from the recent history of the United States. Our focus in this workshop will be on two questions: How much government secrecy does the public interest require? What are the roles of institutions and individuals in making sure both that necessary secrecy is maintained and that unnecessary secrecy is not maintained?

We will start by considering the central dilemma, and the recent swings of U.S. public thinking about it.

On the one hand many Americans presume that their Government has to engage in unseemly behavior in order to find out, and deal with, the hostile or threatening behavior of other sovereign nations; these people think it better not to know everything their Government does on their behalf. On the other hand, many Americans start from a presumption of openness in a democratic society; they are willing to grant some categories of public secrecy, but they think each category should be justified in the open.

Most Americans who have thought about the dilemma at all would probably endorse in some degree both of these positions; like any true dilemma, it is inside each of us, and there are no easy answers. But in any given moment in American political history, one trend or the other gains in popularity.

We will then review what the recent inquiries by government commissions -- sparked by Watergate and by controversy about U.S. intelligence and secret operations -- have to say about the uses and abuses of government secrecy and government-by-leak, what they propose be done, and what has been done with their proposals.

We will next consider the justification for public secrecy, in the categories most closely related to the "national security" claim. Within each category we should try:

. to identify those kinds of information and actions which must be kept secret in the national interest; .

. to consider from whom it is important for the secrets to be kept: from other Executive agencies, from Congress, from the media, from the U.S. public, from foreign adversaries, from neutrals, from allies. (These targets of secrecy are heavily overlapping categories, of course, but for purposes of analysis it is useful to distinguish among them.)

Five categories of justification for secret actions by U.S. public servants (or, as some would put it, exceptions to a general presumption of freedom of information about what the Government is doing) will be analyzed:

1. The diplomatic need for secrecy.
2. The need for secrecy about the procurement and analysis of intelligence.
3. The need for secrecy about new weapons systems.
4. The need for secrecy about military strategy.
5. The administrative need for secrecy.

Assuming that some government actions and processes must be secret, how can secrecy be enforced in an open society? The effectiveness of enforcement may depend on how wide (and therefore how widely questioned) is the area of government action which is carried on behind the "national security" curtain. Watergate produced a national consensus that ordinary burglary by government agents of American citizens' premises is beyond the pale, but there are many cases where the rights and wrongs are less certain and the balance of security and openness less clear.

The Carter Administration has just published a new effort to reduce the amount of government information that is "classified" and squeeze down to a manageable number the persons authorized to classify it. We will consider this effort in the light of the history of prior efforts in the same direction.

Even if there were a clear consensus about what must be kept secret and for how long, the administration and enforcement of public secrecy present problems of their own. We will distinguish among several categories of enforcement -- against the efforts of foreign powers to learn what the United States doesn't want them to know; against persons or agencies within the Executive Branch; against Congress and Congressional staff; against the media of communication; and against the general public.

The program for the week, attached, is derived from this general outline of the problem we propose to tackle. Many fascinating issues, tangential to the central purpose of this workshop will arise -- the nature of clandestine operations, the organization and oversight of intelligence, broader issues of Presidential power and Executive-Congressional relations, the purposes and intentions of the Soviet Union and other declared adversaries, the puzzles of business confidentiality and personal privacy. The steering committee will do what it can to keep the workshop focussed on the issues described above -- which are quite big enough a bite to chew on for a week in the mountains.